

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12035-NMG

* * * * *
JO-ANN SOARES,
Plaintiff,
v.
TRUSTMARK INSURANCE COMPANY,
Defendant
* * * * *

DEFENDANT'S MOTION TO EXTEND TIME TO ANSWER THE COMPLAINT

Defendant Trustmark Insurance Company ("Trustmark") moves to extend the time by which it may serve an Answer or otherwise respond to the Complaint to, and including, October 13, 2004. In support of this Motion, Trustmark states the following:

1. On September 21, 2004 this matter was removed to this Court from the New Bedford District Court of the Commonwealth of Massachusetts.

2. Since Trustmark retained its undersigned counsel to represent it in this matter, Trustmark's lawyer had to attend a funeral out of state, was preparing for a two week trial in the Middlesex Superior Court (which was continued by the Court two days before trial), attended another one day trial on short notice for another client, has participated in a previously scheduled mediation, has been preparing an appeals to the First Circuit Court of Appeals with an impending (already continued twice) deadline, and has appeared in state


and federal Courts on a variety of previously scheduled Conferences and motions.

3. Accordingly, Trustmark's attorney has not had an opportunity to review his client's file, consult with his client or review the applicable law.

4. Through the undersigned counsel's secretary, the Plaintiff's attorney advised Trustmark's lawyer that the Plaintiff does not oppose an extension of time to the date requested.

5. No party will be prejudiced by the short extension of time requested.

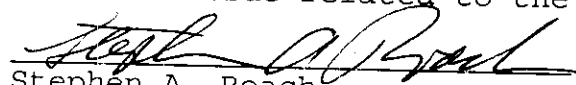
TRUSTMARK INSURANCE COMPANY
By its attorney,


Stephen A. Roach, BBO#542138
ROACH & WISE, LLP
31 State Street
Boston, MA 02109-2705
(617) 723-2800

October 5, 2004

LOCAL RULE 7.1 CERTIFICATE

I, Stephen A. Roach, Attorney for Defendant Trustmark Insurance Company, certify that, through my office staff, I conferred with counsel for the Plaintiff in a good faith attempt to resolve or narrow this issue related to the within Motion.


Stephen A. Roach

CERTIFICATE OF SERVICE

I, Stephen A. Roach, Attorney for the Defendant Trustmark Insurance Company, hereby certify that on October 5, 2004, I served the within document by causing a copy of same to be mailed to the attorney for the Plaintiff by first class mail.


Stephen A. Roach